

HIGH COURT OF UTTARANCHAL AT NAINITAL.

A.O. No. 428 /2003

Chandrapal and another ... Appellants.

Vs.

Regional Manager U.P.S.R.T.C. and others ..Respondents.

Hon'ble Irshad Hussain, J.

Heard Sri Dharam Veer Sharma learned counsel for the appellants and Sri A.N. Sharma learned counsel for the respondent no.3.

2- The relief sought in the present appeal is to modify the order dated 28-9-2003 passed by Motor Accident Tribunal, Udham Singh Nagar (Rudrapur) in M.A.C.P. No. 46/2002, Chandrapal and others vs. Regional Manager U.P.S.R.T.C. and others whereby in view of the compromise the claimants were awarded compensation amounting to Rs. 80,000/-. The Motor Accident Tribunal directed payment of Rs. 10,000/- only to the claimants whereas the remaining sum was directed to be kept in F.D.R. in a nationalized bank for a period of ten years.

3. Learned counsel for the appellants submitted that the direction has caused financial hardship for the appellants in as much as their minor son had died in the accident and they in their old age have to under-take the expenses of the entire family and on the maintenance of their own. Considering this there can be no doubt that more money should have been permitted to be withdrawn by the claimants. It is not one of such cases in which the interest of the minor was to be safe-guarded because the claimants are the parents of the deceased child.

4- In view of above the appeal is finally disposed of with the direction that a sum of Rs. 40,000/- (forty thousand) more out of the amount of Rs. 70,000/- deposited in F.D.R. shall be paid to the appellants/claimants and for this purpose the Motor Accident Claim Tribunal shall obtain a fresh F.D.R. after encashing the earlier one to facilitate payment of Rs. 40,000/- more to the appellants/claimants. The remaining sum of Rs. 30,000/- shall be re-invested in the F.D.R. for a further period of six yerars in the name of the appellants/claimants. In case the money had not been invested till today in

F.D.R. effect to the above direction shall be given to and thereby the sum of Rs. 30,000/- shall be invested in fixed deposit in a nationalized bank in favour of the appellants/claimants.

Dated: 23-12-2003

(Irshad Hussain, J.)

ISB